

RE: PALACIOS, MARLON

Docket No. DNYN 1:19CR00348-011
Superseding Indictment

The Court has reviewed and considered all pertinent information including, but not limited to: the Presentence Investigation Report; Addendum; Plea Agreement; submissions by counsel; the 2021 edition of the Sentencing Guidelines Manual; and the factors outlined in 18 U.S.C. § 3553(a). The Court adopts the factual information and guideline applications contained in the Presentence Investigation Report.

On Count 1, the Court finds the Total Offense Level is 17, the Criminal History Category is I, and the guideline imprisonment range is 24 to 30 months. On Count 6, there is a 24 month statutory minimum sentence, which shall be imposed consecutive to all other Counts.

The Court has considered the goals of sentencing outlined in 18 U.S.C. § 3553(a), including the need for the sentence to: a) reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense; b) afford adequate deterrence to criminal conduct; c) protect the public from further crimes of the defendant; d) avoid unwarranted sentencing disparities among defendants; and e) provide restitution to any victims of the offense

Upon your plea of guilty on Counts 1 and 6 of the Superseding Indictment, it is the judgment of the Court that you are hereby committed to the custody of the Bureau of Prisons for a period of 24 to 30 months on Count 1 and 24 months on Count 6. The sentence on Count 6 is to run consecutively to Count 1, for a total term of imprisonment of 48 to 54 months.

Upon your release from imprisonment, you shall be placed on supervised release for a term of 1 to 3 years on Count 1 and 1 year on Count 6. While on supervised release, you shall not commit another federal, state, or local crime, and you shall comply with the standard conditions that have been adopted by this Court, as well as the following special conditions, which the Court finds are necessary and justified in this case based upon the nature of the instant offense, as well as the history and characteristics of the defendant, as outlined in detail in the presentence report, and to promote the rehabilitation of the defendant. It is noted the following special conditions were previously disclosed to the parties and are included in the presentence investigation report.

1. You shall participate in a program for substance abuse which shall include testing for use of controlled substances, controlled substance analogues, and alcohol. This may include outpatient treatment as recommended by the treatment provider based upon your risk and

needs. You may also be required to participate in inpatient treatment upon recommendation of the treatment provider and upon approval of the Court. The probation office shall approve the location, frequency, and duration of outpatient treatment. You shall abide by the rules of any treatment program which may include abstaining from the use of any alcohol. You shall contribute to the cost of any evaluation and/or treatment in an amount to be determined by the probation officer based on your ability to pay and the availability of third party payments.

2. Based upon your history of substance abuse, and for the purpose of effective substance abuse treatment programming, you shall refrain from the use of alcohol and be subject to alcohol testing and treatment while under supervision.
3. You shall apply all monies you receive from any income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

The Court finds based on your financial resources that you have the ability to pay a fine within the guideline fine range. Hence, a fine in the amount of \$10,000 to \$95,000 is imposed, payable immediately.

You shall pay to the Clerk of the Court a special assessment of \$200, which is due and payable immediately.

The defendant shall consent to an entry of forfeiture to the items outlined in the Preliminary Order of Forfeiture.

Both parties have the right to appeal this sentence in certain limited circumstances except as restricted by any waivers stipulated in the plea agreement. You are advised to consult with your attorney to determine whether or not an appeal is warranted. Any appeal must be filed within fourteen days of the date the Judgment is filed in this case. **(The defendant has waived the right to appeal any sentence of 41 months or less in this case).**

You are remanded to the custody of the U.S. Marshals Service in accordance with the terms of this sentence.